

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

vs.

TYSON FOODS, INC., et al.,

Defendants.

Case No. 4:05-CV-329-GKF(SAJ)

**MOTION OF POULTRY PARTNERS, INC,
FOR PERMISSION TO FILE BRIEF AS *AMICUS CURIAE*
IN OPPOSITION TO THE PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION AND INTEGRATED BRIEF IN SUPPORT THEREOF**

COMES NOW POULTRY PARTNERS, INC. ("Poultry Partners") and respectfully submits its *Motion for Permission to File a Brief as Amicus Curiae in Opposition to the Plaintiffs' Motion for Preliminary Injunction and Integrated Brief in Support Thereof* (Dkt No. 1373).

In support of its Motion, Poultry Partners submits the following information for this Court's consideration:

1. Poultry Partners, Inc., is an Oklahoma non-profit corporation, with more than 400 members who engage in poultry farming or related businesses or who support poultry farming. The mission of Poultry Partners is assist in the survival of family farms and rural communities.

2. In conjunction with its non-profit goals, one of the stated goals and objectives of Poultry Partners is to ensure that its membership has a meaningful place at

the table in ongoing litigation and regulatory actions and in important developing public issues. In the case at bar, Poultry Partners' initial interest herein was attributable to its support of the many of Poultry Partners' poultry farming members who have been involuntary respondents to invasive discovery by Plaintiffs. Plaintiffs filing of their *Motion for Preliminary Injunction and Integrated Brief in Support Thereof* [Dkt No. 1373] has captured the attention of Poultry Partners' members, who have asked that this effort to file an *amicus* brief be made so that the likely and devastating economic impacts on the poultry farming community can be explained to this Court by those most directly affected.

3. As a result, Poultry Partners respectfully requests that this Court grant permission for Poultry Partners to submit an *amicus* brief in opposition to the prayer of Plaintiffs for injunctive relief.

4. Counsel for Poultry Partners has conferred with counsel for Plaintiffs and must advise this Court that Plaintiffs object to Poultry Partners' request.

5. Counsel for Poultry Partners has also conferred with counsel for Defendants and can advise this Court that Defendants do not object to Poultry Partners' request.

6. Because there are no specific rules providing guidance for *amicus curiae* filings, Poultry Partners respectfully suggests that the process and timing set forth in Federal Rule of Appellate Procedure 29 be followed by this Court. Poultry Partners has stated its interest herein. In addition, Poultry Partners respectfully suggests that an *amicus* brief from Poultry Partners which supports Defendants is desirable because no

party to the case at bar stands in precisely the same economic position as the members of Poultry Partners. Poultry Partners believes that the issues and information which will be presented in its *amicus* brief will be relevant to this Court's disposition of Plaintiffs' prayer and will not be mere re-statements of the Defendants' papers. To prevent possible redundancy, Poultry Partners respectfully suggests that this Court require that the *amicus* brief be filed no later than 7 days after Defendants file their papers responsive to Plaintiffs' brief in support of its prayer for injunctive relief.

In conclusion, Poultry Partners respectfully asks this Court's permission to submit an *amicus* brief in opposition to Plaintiffs' prayer for injunctive relief.

Respectfully submitted,

s/ D. Kenyon Williams, Jr.

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CERTIFICATE OF SERVICE

I certify that on the 6th day of December, 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached document by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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